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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 11/30/2005
Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980



EXAMINER

FERNANDES, CHERYL M

ART UNIT PAPER NUMBER

2163

DATE MAILED: 11/30/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,215	12/26/2001	Claire S. Vishik	021768.1165	7379

TITLE OF INVENTION: USAGE-BASED ADAPTABLE TAXONOMY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	02/28/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1400	\$300	\$1700	02/28/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
FERNANDES, CHERYL M	2163	707-100000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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DATE MAILED: 11/30/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 617 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 617 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability	Application No.	Applicant(s)	
	10/033,215	VISHIK, CLAIRE S.	
	Examiner	Art Unit	
	Cheryl M. Fernandes	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 6, 2005.
2. ☒ The allowed claim(s) is/are 1-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This communication is in response to Amendment filed September 6, 2005.

Claims 1-37 are pending. Claims 1, 18, 21, 24, and 37 are amended.

Response to Arguments

2. Applicant's arguments, see page 10, first paragraph, filed September 6, 2005, with respect to claims 1, 18, 21, 24, and 37 have been fully considered and are persuasive. The 35 USC 103 rejection of claims 1-37 has been withdrawn.

Allowable Subject Matter

3. Claims 1-37 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Referring to claims 1, 24, and 37 Ronstrom teaches a computer-implemented method and systems for adaptably maintaining a taxonomy defined by a plurality of nodes arranged hierarchically, the method comprising the steps of determining a threshold access value for each node of said plurality of nodes, determining a level of access value for each node of said plurality of nodes, comparing said level of access value for a first node of said plurality of nodes with said threshold access value for said first node of said plurality of nodes, and comparing said level of access value for said first node of said plurality of nodes with said threshold access value for a second node of said plurality of nodes, and if said level of access value for said first node is greater than said threshold access value for said second node, promoting said first node to a

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higher level in said hierarchical arrangement than said second node, and if said level of access value for said first node is less than said threshold access value for said second node, demoting said first node to a lower level in said hierarchical arrangement than said second node.

Referring to claims 1, 24, and 37, Chen teaches that a node is merged with a related parent lateral node if level of access value for a first node is less than a threshold access for the first node.

None of these references, taken either alone or in obvious combination disclose a computer-implemented method and systems for adaptably maintaining a taxonomy defined by a plurality of nodes arranged hierarchically, the method comprising the steps of determining a threshold access value for each node of said plurality of nodes, determining a level of access value for each node of said plurality of nodes, comparing said level of access value for a first node of said plurality of nodes with said threshold access value for said first node of said plurality of nodes, ***and if said level of access value for said first node is less than said threshold access value for said first node, merging said first node with a related non-parent node arranged laterally to said first node in said hierarchical arrangement***, and comparing said level of access value for said first node of said plurality of nodes with said threshold access value for a second node of said plurality of nodes, and if said level of access value for said first node is greater than said threshold access value for said second node, promoting said first node to a higher level in said hierarchical arrangement than said second node, and if said level of access value for said first node is less than said threshold access value

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for said second node, demoting said first node to a lower level in said hierarchical arrangement than said second node.

Claims 2-17 and 25-36 depend from claims 1 and 24 respectively and are therefore also allowable.

5. Referring to claim 18, Ronstrom discloses a computer-implemented method for maintaining a dynamic taxonomy, the method comprising the steps of determining a threshold usage value for each node of a plurality of nodes of said dynamic taxonomy, determining an actual usage value for each node of said plurality of nodes, comparing said actual usage value for a first node of said plurality of nodes with said threshold usage value for said first node of said plurality of nodes, and that said actual usage value for said first node is less than said threshold usage value for said first node.

Referring to claim 18, Chen discloses a node that is merged with a related parent lateral node if an actual value for a first node is less than a threshold value for the first node.

None of these references, taken either alone or in obvious combination disclose a computer implemented method for maintaining a dynamic taxonomy, the method comprising the steps of determining a threshold usage value for each node of a plurality of nodes of said dynamic taxonomy, determining an actual usage value for each node of said plurality of nodes, comparing said actual usage value for a first node of said plurality of nodes with said threshold usage value for said first node of said plurality of nodes, and ***if said actual usage value for said first node is less than said threshold***

usage value for said first node, merging said first node with a related non-parent lateral node.

Claims 19 and 20 depend from claim 18 and are therefore also allowable.

6. Referring to claim 21, Ronstrom discloses logic encoded in a computer-readable media for adaptable maintaining a taxonomy defined by a plurality of nodes arranged hierarchically, and operable to determining a threshold access value for each node of a plurality of nodes of said dynamic taxonomy, determining a level of access value for each node of said plurality of nodes, comparing said level of access value for a first node of said plurality of nodes with said threshold access value for said first node of said plurality of nodes, and that said level of access value for said first node is less than said threshold access value for said first node.

Referring to claim 21, Chen discloses that a node is merged with a related parent lateral node if level of access value for a first node is less than a threshold access for the first node.

None of these references, taken either alone or in obvious combination disclose logic encoded in a computer-readable media for adaptably maintaining a taxonomy defined by a plurality of nodes arranged hierarchically, and operable to determine a threshold access value for each node of said plurality of nodes, determine a level of access value for each node of said plurality of nodes, compare said level of access value for a first node of said plurality of nodes with said threshold access value for said first node of said plurality of nodes, and ***if said level of access value for said first***

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node is less than said threshold access value for said first node, merge said first node with a related non-parent node arranged laterally to said first node in said hierarchical arrangement.

Claims 22 and 23 depend from claim 21 and are therefore also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art or art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 'Automatic Web page classification in a dynamic and hierarchical way' by Peng et al; 2002 IEEE International Conference on 9-12 Dec. 2002; pages 386-393;
- 'WISDOM: Web Intrapage Informative Structure Mining Based on Document Object Model', by Kao et al; IEEE, May 2005 (Vol. 17, No. 5); pages 614-627.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Fernandes who can be reached on (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 19, 2005
CMF



JYEN LE
PRIMARY EXAMINER

ALEXANDRIA, VA 22313-1450

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